TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE Transcriber's Office

June 5, 1997 LB 752

procedure to garnish a wage takes place right now. And so if I were a wage earner, I would argue, well, this is not equal protection for me because I'm a wage earner but just because somebody has a license and is self-employed why don't they have expedited procedures effectuated in their case? And what we are doing now is, in fact, addressing the problem of those who are wage earners and how you get them to respond in the same manner that wage earners are responding? And so I would argue that actually from the point of view of equal protection we're making our laws better, not worse. The problem with lawyers is problem that we cannot do anything about at this particular point in time. How the courts will react to it I don't know. But the fact of the matter is that in a large number of states in this country the situation is the same. And as far as I know to date on equal protection basis, certainly I don't think there's been a case in this area nor am I aware of any other case where equal protection has been invoked successfully on the theory that the Legislature in dealing with those matters that it can deal with under the constitution has...that that has not resulted in equal treatment of those who are under the authority of the judiciary branch of government in particular states. any event, Senator Chambers rightfully points out that that is a question. But again I repeat it's a question about which we can The other thing that I wanted to do nothing under our law. point out with regard to the procedures relating to testing and DNA genetic testing, this was one of the areas where there was no wiggle room. This is one of the areas that I think is, in fact, one of the more suspect areas of the bill. That's not to say that I believe it's unconstitutional, but if I attacking a bill, that would be one area that I would attack. But here's what the United States Congress has said to us with regard to that item. We have to give to the state agencies procedures that constitute authority to take the following relating to establishment of paternity or to establishment, modification, or enforcement of child support orders without the necessity of obtaining an order from any judicial . . .

SPEAKER WITHEM: One minute.

SENATOR BEUTLER: ...or administrative tribunal, without the necessity of obtaining an order from any judicial or